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**UNITED STATES DISTRICT COURT**

**SOUTHERN DISTRICT OF CALIFORNIA**

| | |
|---|---|
| NOEMEE GABISAN, on behalf of herself, and on behalf of all persons similarly situated,<br><br>Plaintiff,<br><br>vs.<br><br>PELICAN PRODUCTS, INC.; and, Does 1 to 10,<br><br>Defendants. | CASE No. 08 CV 1361 JM (NLS)<br><br>**JOINT MOTION RE PLAINTIFF'S *EX PARTE* APPLICATION FOR ORDER SHORTENING TIME**<br><br>Judge: Hon. Jeffrey T. Miller<br>Dept.: Courtroom 16, 5th Flr<br><br>Hearing Date: September 19, 2008<br>Hearing Time: 1:30 a.m. |

**WHEREAS**, Plaintiff applied *ex parte* to the Court for an order shortening time for Plaintiff's Emergency Motion for Corrective Notice to the Class to be heard on September 5, 2008;

**WHEREAS**, Plaintiff's Emergency Motion for Corrective Notice to the Class ("Plaintiff's Motion for Corrective Notice") is currently scheduled to be heard before the Court on September 19, 2008;

**WHEREAS**, Plaintiff and Defendant (the "Parties") have conferred, and Defendant has agreed to restrict further communications with putative class members regarding Defendant's solicitations of individual settlements, pursuant to the Declaration of Ellen-Mary Michael, filed concurrently herewith;

**WHEREAS**, the Parties have agreed to meet and confer regarding appropriate corrective notice to be sent to the members of the putative class;

**NOW, THEREFORE,** Plaintiff and Defendant, through their respective counsel of record, and good cause appearing, jointly move and respectfully request that:

1. Plaintiff's *Ex Parte* Application for an Order Shortening Time shall be withdrawn;
2. Plaintiff's Motion for Corrective Notice shall be heard on the scheduled hearing date of September 19, 2008; and,
3. Should the Parties reach an agreement regarding possible corrective notice to be distributed to the class prior to September 19, 2008, the Parties will inform the Court and request for the hearing to be taken off calendar.

**IT IS SO STIPULATED AND AGREED.**

Dated: August 15, 2008

BLUMENTHAL & NORDREHAUG

By: s/Norman B. Blumenthal
Norman B. Blumenthal
Attorneys for Plaintiffs

Dated: August 15, 2008

PELICAN PRODUCTS

By: s/Jacqueline Romano
Jacqueline Romano
General Counsel for Defendant Pelican Products, Inc.

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Attorneys for Defendant
PELICAN PRODUCTS, INC.

**UNITED STATES DISTRICT COURT**

**SOUTHERN DISTRICT OF CALIFORNIA**

| | |
|---|---|
| NOEMEE GABISAN, on behalf of herself, and on behalf of all persons similarly situated,<br><br>Plaintiff,<br><br>v.<br><br>PELICAN PRODUCTS, INC.; and Does 1 to 10,<br><br>Defendant. | Case No. 08 CV 1361 JM (NLS)<br><br>(The Honorable Jeffrey T. Miller, Courtroom 16)<br><br>**DECLARATION OF ELLENMARY MICHEL** |

declaration to get ex part off calendar

1. My name is Ellenmary Michel. I am currently employed by Pelican Products, Inc. ("Pelican") as Director of Human Resources. I have been employed in that position since November 2002. Prior to that time, I was the Human Resources Manager for Pelican from August 1997 until November 2002.

2. I make this declaration based on matters within my personal knowledge. If called to testify, I could and would testify competently to the matters set forth herein.

3. There are twenty-four current Sales Support Specialists. Of those employees, twenty-one have signed and returned an Agreement and Release (the "Agreement"), a draft of which is attached as Exhibit 1 to Plaintiff's Emergency Motion for Corrective Notice to Class. Neither I, nor anyone in management or Human Resources at Pelican, will have any further discussions with Sales Support Specialists regarding the Agreements. If an employee raises a question regarding the Agreement, I will respond that Pelican is not able to discuss the Agreement at this time.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 15th, 2008, at Los Angeles, California.

Ellenmary Michel

Ellenmary Michel

declaration to get ex part off calendar